

DRAFT
***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS
HELD MAY 17, 2004 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Harry F. Atherton, Chairman; Mr. Raymond E. Graham, Vice-Chairman;
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;
Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County
Attorney

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

A WORK SESSION TO DISCUSS THE REASSESSMENT PROCESS

Mr. McCulla provided an overview of the real property reassessment process and summarized the requirements of the Code of Virginia. Ross D'Urso, Commissioner of the Revenue, introduced Tom Morelli of the Virginia Department of Taxation and Fred Pearson of Pearson Appraisal Services.

**A WORK SESSION TO REVIEW THE PROPOSED PLANS FOR THE CENTRAL
SPORTS COMPLEX AND COMMUNITY PARK**

Larry Miller, Director of the Parks and Recreation Department, reviewed proposed plans for the Central Sports Complex and Community Park.

**PRESENTATION BY THE FAUQUIER COUNTY PUBLIC SCHOOLS ON A REQUEST
TO BUILD THE NEW HIGH SCHOOL AND WAIVE THE DEBT REFERENDUM
REQUIREMENT**

The Board of Supervisors and the Fauquier County School Board held a joint work session led by Jay Van Gelder, Center District representative of the Fauquier County School Board, to discuss a request by the Fauquier County School Board to waive the County's requirement of a debt referendum for funds to build a new high school.

**A WORK SESSION TO DISCUSS THE PROCESS BY WHICH THE TERMS FOR THE
BOARD OF SUPERVISORS MAY BE STAGGERED**

By unanimous consent, the work session was postponed until the next meeting.

A WORK SESSION TO REVIEW DESIGN OPTIONS FOR THE COURTHOUSE

Anthony Hooper, Deputy County Administrator, reviewed design options for the renovation of the Court and Office Building.

CLOSED MEETING

Mr. Stribling moved to go into a closed meeting pursuant to Virginia Code Section 2.2-3712(D) for consultation with legal counsel pertaining to legal matters not releasable to the public. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Upon reconvening from the closed meeting, Mr. Atherton moved to adopt the following certification. Mr. Graham seconded.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 17th day of May 2004, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

FAUQUIER EXTENSION LEADERSHIP COUNCIL DINNER MEETING

The Board of Supervisors attended a dinner hosted by the Fauquier Extension Leadership Council at the Fauquier Extension Office.

The meeting was reconvened in Regular Session at 6:30 p.m. at Warrenton Community Center.

ADOPTION OF THE AGENDA

Mr. Graham moved to adopt the agenda as presented. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

CITIZENS' TIME

- Delegate Scott Lingamfelter presented Joint Resolutions of the Virginia General Assembly to former Sheriff Joe Higgs, former Supervisor Larry Weeks of Scott District, and former Supervisor Joe Winkelmann of Center District.
- Frank Ott, Lee District, expressed frustration that the Planning Commission would only approve a restricted deed to his property which had been subject to a family subdivision.
- Sally Murray, Center District, spoke in favor of a waiver of the County debt referendum requirements for funding a new high school.
- Lanny Cornwell, Lee District, presented a petition to the Board and spoke in favor of a waiver of the County debt referendum requirements for funding a new high school.
- Catherine Eckley, Scott District, spoke in favor of a waiver of the County debt referendum requirements for funding a new high school.
- Holder Trumbo, Scott District, stated the Fauquier County Water and Sanitation Authority (WSA) water tower was not adequately servicing existing businesses on Main Street in Marshall, and requested that the Board encourage WSA to establish a new infrastructure for current businesses to connect to WSA water lines before permitting new development.
- Karen Chaffraix introduced herself as a new reporter for the Fauquier Times-Democrat newspaper.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Atherton presented to Mary Schlegel A Proclamation Designating May 2004 As Mental Health Awareness Month.

CONSENT AGENDA

Mr. Graham moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Approval of the Minutes for the April 19, 2004 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution to Declare a Reduction in Force Eliminating the Construction Assistant Position and One Construction Project Manager Position Within the Construction Management Division of the Department Of General Services

RESOLUTION

A RESOLUTION TO DECLARE A REDUCTION IN FORCE ELIMINATING THE CONSTRUCTION ASSISTANT POSITION AND ONE CONSTRUCTION PROJECT MANAGER POSITION WITHIN THE CONSTRUCTION MANAGEMENT DIVISION OF THE DEPARTMENT OF GENERAL SERVICES

WHEREAS, the Fauquier County FY 2005 budget eliminated the Construction Assistant position and one Construction Project Manager position within the Construction Management Division of the Department of General Services; and

WHEREAS, Human Resources Policy Number 26, Reduction in Force, provides the means whereby reduction in force directives are implemented; and

WHEREAS, Human Resources Policy Number 26, Reduction in Force, states that where program functions are reduced or eliminated, the Board of Supervisors shall issue a Reduction in Force Directive which will include the program functions to be eliminated or reduced; and

WHEREAS, the reduction of construction management functions in the Department of General Services necessitates the abolishment of the Construction Assistant position and one Construction Project Manager position; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the Board of Supervisors does hereby issue a Reduction in Force Directive reducing construction management functions in the Department of General Services and abolishing the position of Construction Assistant and one Construction Project Manager position; and, be it

RESOLVED FURTHER, That this Reduction in Force Directive shall be effective July 1, 2004, and the Director of Human Resources shall hereby give notice of the reduction in force in accordance with the procedure set forth in Human Resources Policy Number 26, Reduction in Force.

A Resolution to Authorize Approval of a Severance Package for the Position of Construction Assistant

RESOLUTION

A RESOLUTION TO AUTHORIZE APPROVAL OF A SEVERANCE PACKAGE FOR THE POSITION OF CONSTRUCTION ASSISTANT

WHEREAS, the Fauquier County FY 2005 budget eliminated the position of Construction Assistant within the Construction Management Division of the Department of General Services through reduction in force; and

WHEREAS, Human Resources Policy Number 26, Reduction in Force, provides the means whereby reduction in force directives are implemented; and

WHEREAS, Human Resources Policy Number 26, Reduction in Force, includes a provision that states upon a reduction in force directive, severance packages shall be developed and approved by the Board of Supervisors; and

WHEREAS, a severance package has been developed and proposed for the position of Construction Assistant; and

WHEREAS, said severance package includes one month of compensation, three months of extended health insurance and job/career transition assistance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the proposed severance package be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the effective date of said severance package be July 1, 2004.

A Resolution to Authorize the Revision of Selected Human Resources Policies

RESOLUTION

A RESOLUTION TO AUTHORIZE THE REVISION OF SELECTED HUMAN RESOURCES POLICIES

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date personnel policies; and

WHEREAS, the Fauquier County Government Human Resources Policy Manual is being reviewed for necessary additions, revisions and deletions; and

WHEREAS, recommended changes are contained in the following policies dated May 17, 2004:

Policy 2-J – Leave Donation
Policy 16-A – Tuition Reimbursements
Policy 36 – Workers’ Compensation

; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the revisions made to the Human Resources Policy Manual be, and are hereby, approved effective May 17, 2004.

A Resolution to Schedule Two Adjourned Meetings of the Fauquier County Board of Supervisors

RESOLUTION

A RESOLUTION TO SCHEDULE TWO ADJOURNED MEETINGS OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS

WHEREAS, the Fauquier County Board of Supervisors wishes to hold an adjourned meeting on June 7, 2004, to discuss the availability and use of public and recreational facilities; and

WHEREAS, the Fauquier County Board of Supervisors wishes to hold an adjourned meeting on June 18, 2004, to discuss strategic goals and objectives; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That adjourned meetings will be held on Monday, June 7, 2004 at 9:00 a.m. at Lord Fairfax Community College, Warrenton, Virginia, and on Friday, June 18, 2004 at 9:00 a.m. at the Inn at Vint Hill, Warrenton, Virginia.

A Resolution to Petition the Northern Virginia Regional Commission for Inclusion of Fauquier County in Its Membership

RESOLUTION

A RESOLUTION TO PETITION THE NORTHERN VIRGINIA REGIONAL COMMISSION
FOR INCLUSION OF FAUQUIER COUNTY IN ITS MEMBERSHIP

WHEREAS, the Fauquier County Board of Supervisors has considered the issue of membership in the Northern Virginia Regional Commission; and

WHEREAS, the Fauquier County Board of Supervisors has determined that inclusion in the Northern Virginia Regional Commission would be most beneficial, especially in the areas of public safety planning, transportation planning, and other collaborative regional initiatives; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the Fauquier County Administrator be, and is hereby, authorized to take all actions necessary to petition the Northern Virginia Regional Commission for membership.

A Resolution Authorizing the County Administrator to Take All Actions Necessary to Dissolve the Warrenton-Fauquier Joint Communications Center Agreement

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO TAKE ALL
ACTIONS NECESSARY TO DISSOLVE THE WARRENTON-FAUQUIER JOINT
COMMUNICATIONS CENTER AGREEMENT

WHEREAS, on October 18, 1991, the Fauquier County Board of Supervisors entered into an Agreement with the Town of Warrenton, the Fauquier County Sheriff's Office and the Fauquier Fire and Rescue Association to establish a centralized communication center to serve all area law enforcement, fire and rescue personnel; and

WHEREAS, the Center became operational on July 1, 1994; and

WHEREAS, the terms of the Agreement have not been formally adhered to and are obsolete; and

WHEREAS, the Agreement provides that it is subject to dissolution upon the mutual consent of the Fauquier County Board of Supervisors and the Warrenton Town Council, or by one year's notice to the other party to become effective at the end of the subsequent fiscal year; and

WHEREAS, regardless of the dissolution of the Agreement, the Center will continue to provide service to both Fauquier County and the Town of Warrenton; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the Board hereby authorizes the Fauquier County Administrator to take all actions necessary to dissolve the Warrenton-Fauquier Joint Communications Center Agreement.

A Continuing Resolution Authorizing the County Administrator, or His Designee, to Execute Leases of Real Property and any Improvements Thereon for a Term of Less Than One Month

RESOLUTION

A CONTINUING RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR, OR HIS DESIGNEE, TO EXECUTE LEASES OF REAL PROPERTY AND ANY IMPROVEMENTS THEREON FOR A TERM OF LESS THAN ONE MONTH

WHEREAS, Virginia Code §15.2-1800 authorizes the Board of Supervisors to lease real property for public purposes; and

WHEREAS, the County of Fauquier has occasional need to lease improved and unimproved real property for public purposes; and

WHEREAS, the Board of Supervisors recognizes the need for timely decisions on the leases of real property for events and activities; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the County Administrator, or his designee, be, and is hereby, authorized to execute leases on behalf of the County of Fauquier of real property and any improvements thereon for a term of less than one month.

A Resolution to Authorize the County Administrator to Execute a Contract for Real Property Appraisal Services

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR REAL PROPERTY APPRAISAL SERVICES

WHEREAS, Fauquier County has issued a request for proposal (RFP) for real property appraisal services; and

WHEREAS, a selection panel made up of representatives from the Board of Supervisors, County Administration, the Commissioner of Revenue's Office and Geographic Information Systems has determined that Pearson's Appraisal Services, Inc. is the most qualified firm to provide the requested services; and

WHEREAS, following negotiations with Pearson's Appraisal Services, a proposed contract has been prepared for consideration by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the County Administrator be, and is hereby, directed to execute a contract for the provision of real property appraisal services subject to the final review of the County Attorney.

A Resolution to Establish and Appoint a Purchase of Development Rights (PDR) Selection Review Committee

RESOLUTION

A RESOLUTION TO ESTABLISH AND APPOINT A PURCHASE OF DEVELOPMENT RIGHTS PROGRAM (PDR) SELECTION REVIEW COMMITTEE

WHEREAS, on March 29, 2004, the Fauquier County Board of Supervisors approved the FY 2005 budget which contains \$1.338 million dollars in funding for the Purchase of Development Rights Program (PDR); and

WHEREAS, on April 19, 2004, the Fauquier County Board of Supervisors approved the creation of the Conservation Easement Service District; and

WHEREAS, a PDR Selection Review Committee will be a valuable resource to assist the Board of Supervisors in selecting qualified farm properties for preservation; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the PDR Selection Review Committee be, and is hereby, created and appointed to consist of one member, selected by each member of the Board of Supervisors; and, be it

RESOLVED FURTHER, That members of the PDR Selection Review Committee shall not be eligible to participate in the PDR Program while serving on such committee.

A Resolution to Authorize Funding for Fauquier County to Participate in the Regional Elder Care Planning Grant

RESOLUTION

A RESOLUTION TO AUTHORIZE FUNDING FOR FAUQUIER COUNTY TO PARTICIPATE IN THE REGIONAL ELDER CARE PLANNING GRANT

WHEREAS, the region has an expanding elderly population that is facing higher levels of chronic illnesses and is in need of assistance with activities of daily living; and

WHEREAS, twenty-six (26) organizations within the region have joined together to seek funding from the Robert Wood Johnson Foundation to prepare plans and priorities to assist elderly residents and their families; and

WHEREAS, the County's participation is important in addressing these expanding needs; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That Fauquier County will provide a \$2,000 cash matching pledge as a part of the Foundation application; and, be it

RESOLVED FURTHER, That conditioned upon the grant being awarded, a transfer of funds in the amount of \$2,000 from the Contingency Reserve Account be, and is hereby, authorized.

A Resolution Authorizing the Chairman to Enter Into Open Space Use Agreement with Landowner

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN TO ENTER
INTO OPEN SPACE AGREEMENT WITH LANDOWNER

WHEREAS, Fauquier County has established a special land assessment program for the preservation of real estate devoted to open space pursuant to Section 58.1-3233 of the Code of Virginia, 1950, as amended; and

WHEREAS, a landowner may qualify for the special land assessment program for the preservation of open space upon the execution and recordation of a written open space use agreement between the landowner and the Board of Supervisors; and

WHEREAS, to qualify for the special land assessment program for the preservation of open space, the real estate to be entered into the program must meet the general and specific standards promulgated by the Director of the Department of Conservation and Historic Resources as set forth in the Manual of the State Land Evaluation Advisory Council (1992); and

WHEREAS, the hereinafter identified landowners have requested that the Board of Supervisors enter into an Open Space Use Agreement for the preservation of certain land owned by them for the purposes of qualifying for the special land assessment program under the open space category; and

WHEREAS, the Board of Supervisors has determined that the hereinafter described land meets the general and specific standards as promulgated by the Director of the Department of Conservation and Historic Resources for entering into an Open Space Use Agreement committing the landowner not to change the use of the land to a non-qualifying use for a time period of eight years; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the Chairman be, and is hereby, authorized to execute an Open Space Use Agreement with the hereinafter identified landowners:

NAME	IDENTIFICATION	ACREAGE
<u>RENEWAL</u> Marro, Donald C. Clancy, Lillian S.	6043-01-9020-000 2082 Winchester Rd. Delaplane, VA 20144-1732	75.67
<u>RENEWAL</u> Zimmer, Robert C. Zimmer, Karla Newsom Zimmer, Ingrid E Zimmer, Brita A.	6983-11-1796-000 8586 Lees Ridge Rd. Warrenton, VA 20186-8743	26.0055
<u>RENEWAL</u> Blassie, Kay B.	6879-98-3248-000 6879-87-8749-000 7355 Botha Rd. Bealeton, VA 22712	7.5 22.5
<u>RENEWAL</u> Simpson, John C., Jr. Simpson, Carolyn W.	6947-79-5617-000 PO Box 799 Marshall, VA 20116	50.0
<u>NEW</u> Ballarin, Iginio Ballarin, Michele	6021-72-6200-000 PO Box 317 Markham, VA 22643-0317	41.8539
<u>NEW</u> David R. Buckwalter Georgia K. Buckwalter	6888-71-9633-000 6888-62-0664-000 11825 Remington Rd. Remington, VA 22734	29.25 24.98
<u>NEW</u> Kelly, Thomas R. Kelly, Laurie S.	6959-32-2828-000 4525 Achilles Ln. Marshall, VA 20115-3014	40.0.0

; and, be it

RESOLVED FURTHER, That upon execution and recordation of the agreement that the described real estate shall be eligible for classification as Open Space under the Fauquier County Special Land Assessment Program.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT A FINDING OF CONCURRENCE FOR A TEMPORARY PUMP AND HAUL PERMIT FOR THE FLYING CIRCUS AIRSHOWS, INC. PROPERTY, PIN #7808-74-7710-000

Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT A
FINDING OF CONCURRENCE FOR A TEMPORARY PUMP AND HAUL PERMIT FOR
THE FLYING CIRCUS AIRSHOWS, INC. PROPERTY, PIN #7808-74-7710-000

WHEREAS, the Flying Circus Airshows, Inc., is engaged in activities which provide entertainment for the citizens of the County at its property known as the Flying Circus, further identified as PIN #7808-74-7710-000; and

WHEREAS, plans are being developed to provide for the processing of waste flows at the property and for the business located thereon; and

WHEREAS, the Flying Circus is constructing a building to include, at its expense, restroom facilities; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the Board concurs with the Flying Circus Airshows, Inc.'s request to use a temporary pump and haul permit while constructing the permanent wastewater disposal facility; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign the Health Department application indicating the Board's concurrence and transmit this resolution to the Fauquier County Health Department.

A RESOLUTION TO APPROPRIATE THE FISCAL YEAR (FY) 2005 BUDGET

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROPRIATE THE FISCAL YEAR (FY) 2005 BUDGET

WHEREAS, it is the responsibility of the Fauquier County Board of Supervisors to approve and control the County's Fiscal Plan for FY 2005; and

WHEREAS, on March 29, 2004, the Board of Supervisors adopted the Fiscal Year 2005 County Budget; and

WHEREAS, it is the intent of the Board of Supervisors that departments and agencies shall adhere to the funds appropriated in accordance with departmental budgets presented by the County Administrator and adjusted by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That local tax-supported appropriations of the School Division's overall budget of \$101,006,025 shall not exceed \$68,766,968; and, be it

RESOLVED FURTHER, That the following appropriations be, and are hereby, approved effective July 1, 2004, as set forth below; and, be it

RESOLVED FINALLY, That all financial activities, purchases, travel, personnel actions, etc., shall be in accordance with the policies and procedures established by the Board of Supervisors and administered by the County Administrator.

FY 2005 APPROPRIATED BUDGET

	Appropriated
GENERAL FUND	
General Government	
Board of Supervisors	\$410,370
Commissioner of the Revenue	\$1,081,663
County Administration	\$522,823
County Attorney	\$522,554
Finance	\$1,564,485
Independent Auditor	\$70,962
Information Technology	\$1,748,958
Budget Office	\$258,218
Human Resource Management	\$584,551
Geographic Information System	\$242,420
Registrar	\$294,622
Treasurer	<u>\$912,938</u>
Subtotal	\$8,214,564
 Judicial Administration	
Adult Court Services	\$560,793
Circuit Court	\$121,944
Clerk of the Circuit Court	\$882,604
Commissioner of Accounts	\$2,400
Commonwealth's Attorney	\$709,022
General District Court	\$16,100
Juvenile & Domestic Relations Court	\$55,983
Magistrates	<u>\$64,061</u>
Subtotal	\$2,412,907
 Public Safety	
Detention Center	\$492,000
CFFW Regional Facility	\$1,061,154
Juvenile Detention	\$342,590
Juvenile Probation	\$66,176

Sheriff	<u>\$7,043,537</u>
Subtotal	\$9,005,457
Public Works	
Environmental Services - Convenience Sites	\$1,397,294
General Services	<u>\$3,535,326</u>
Subtotal	\$4,932,620
Health and Welfare	
Community Services Board	\$248,126
Comprehensive Services Act	\$2,330,156
Institutional Care	\$149,944
Public Health	\$391,493
Social Services	<u>\$3,737,487</u>
Subtotal	\$6,857,206
Culture and Education	
Lord Fairfax Community College	\$44,366
Parks and Recreation	\$2,162,964
Library	<u>\$1,602,199</u>
Subtotal	\$3,809,529
Community Development	
Agriculture Development	\$129,616
Community Development	\$2,302,798
Contributions	\$522,274
Economic Development	\$332,828
Extension Office	\$146,659
John Marshall SWCD	\$321,679
Planning Commission/BZA	\$139,614
Water Resource Management	<u>\$30,000</u>
Subtotal	\$3,925,468
Non-Departmental	
Debt Service	\$1,396,432
Hospital Hill Property	\$121,627
Non-Departmental	<u>\$2,262,236</u>
Subtotal	\$3,780,295
Transfers	
Capital Improvements Fund	\$511,700
W-F Joint Communications Center	\$235,448
Airport Enterprise Fund	\$0
School Division	\$68,766,968

Parks & Recreation	<u>\$0</u>
Subtotal	\$69,514,116
Total General Fund	\$112,452,162
OTHER FUNDS	
Airport Enterprise Fund	
Airport	\$3,170,148
Subtotal	\$3,170,148
Environmental Services	
Environmental Services	\$5,872,508
Subtotal	\$5,872,508
Internal Services Fund	
Fleet Maintenance	\$1,824,700
Subtotal	\$1,824,700
School Division Fund	
School Operating	\$91,526,174
School Debt Services & Transfers	<u>\$9,479,851</u>
Subtotal	\$101,006,025
School Food Service Fund	
School Food Service	\$3,600,774
Subtotal	\$3,600,774
School Textbook Fund	
School Textbook Fund	\$658,531
Subtotal	\$658,531
Volunteer Fire and Rescue Fund	
Volunteers	\$2,743,633
Emergency Operations Service	<u>\$1,545,193</u>
Subtotal	\$4,288,826
Warrenton-Fauquier JCC Fund	
Joint Communications Center	\$1,243,856
Subtotal	\$1,243,856
Heritage Fund	
Heritage Fund	\$1,338,000
Subtotal	\$1,338,000

Capital Fund	
C. Thompson Elementary School Renovations	\$1,572,000
LHS Air Quality Upgrades	\$395,540
HVAC - County	\$72,700
Roofs - County	\$57,400
County - HP9000 Library Replacement	\$44,200
Sheriff's Vehicles	\$337,400
HVAC - Schools	\$100,000
Roofs - Schools	\$927,750
School Buses	<u>\$419,408</u>
Subtotal	\$3,926,398
 TOTAL ALL FUNDS	 \$239,381,928
<i>Less County Transfer</i>	<i>(\$69,514,116)</i>
TOTAL COUNTY EXPENDITURES	\$169,867,812
<i>Less Other Funds Internal Transfers*</i>	<i>(\$2,586,198)</i>
ADJUSTED TOTAL COUNTY	\$167,281,614

*School Division Transfer to Other Funds

FY 2005 REVENUES

LOCAL REVENUE

General Property Taxes	
Real Estate Tax	\$49,690,007
Public Service	\$4,201,000
Personal Property Tax	\$14,859,717
State Personal Property Tax Relief	\$12,863,635
Delinquent Real Estate Tax	\$850,000
Delinquent Personal Property Tax	\$425,813
Penalties - Real Property - All	\$755,000
Interest - All	<u>\$400,000</u>
Subtotal	\$84,045,172

Other Local Taxes

Sales Tax (Local)	\$6,400,000
Utility Tax	\$2,050,000
Utility Tax - Cellular Phone	\$600,000
Utility Consumption Tax	\$187,000
BPOL Tax	\$1,000,000
Cable TV Tax	\$140,000
Auto Decals	\$1,405,000
Bank Stock Tax	\$152,600
Recording Tax & Fees (Deeds)	\$1,500,000

Recording Tax & Fees (Wills)	\$10,000
Lodging Tax	<u>\$160,000</u>
Subtotal	\$13,604,600

Permits, Fees, and Licenses

Dog Tags	\$5,000
Land Use Fees	\$19,968
Transfer Fees	\$2,800
Concealed Weapon Permits	\$2,000
Parks & Recreation	\$487,680
Community Development Fees	<u>\$1,789,457</u>
Subtotal	\$2,306,905

Fines and Forfeitures

Local Fines	\$500,000
Court Judgment Proceeds	\$3,250
Interest On Local Fines	<u>\$5,100</u>
Subtotal	\$508,350

Use of Money and Property

Interest Income General Fund	\$840,000
Interest Income Bonds	\$190,000
Sale of Equipment/Vehicles	\$23,000
Rental Of County Property	\$10,779
Rental Health Department	\$30,772
Rental Hospital Hill Property	<u>\$311,690</u>
Subtotal	\$1,406,241

Charges for Services

Excess Fees	\$550,000
Sheriff Fees	\$3,742
Police Reports	\$100
Courtroom Security	\$75,000
Detention Fee	\$2,000
Confiscated Vehicle Storage Fees	\$50
Welfare and Social Services Fees	\$3,144
Law Library Fees	\$15,000
Local Cost	\$3,400
Inmate Processing Fee	\$3,000
Commonwealth's Attorney Fees	\$1,500
Library Fees	\$60,000
Sales of Tax Maps	\$4,428
Sales of GIS Maps	\$22,000
Sales of Computer Lists and Files	<u>\$2,200</u>
Subtotal	\$745,564

Miscellaneous	\$25,200
Recovered Costs	
Other Government Charges	\$10,500
Jail Boarding - Other Governments	\$2,000
Work Release	\$60,000
Canteen Medical Reimbursement	\$4,500
Other Costs	\$3,000
Home Incarceration Fees	\$20,000
Miscellaneous	<u>\$14,625</u>
Subtotal	\$114,625

Total Local Revenue	\$102,756,657
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STATE REVENUE

Non-Categorical Aid

ABC Profits	\$57,571
Wine & Spirits Tax	\$53,307
Rolling Stock Tax	\$64,881
Mobile Home Titling Tax	\$26,449
Rental Car Tax	\$20,499
Delinquent Personal Property Tax Relief Act	<u>\$305,826</u>
Subtotal	\$528,533

Categorical Aid

Shared Expenses

Commonwealth's Attorney	\$276,158
Sheriff	\$2,904,826
Commissioner of the Revenue	\$169,000
Treasurer	\$156,734
Medical Examiner	\$500
Registrar	\$54,595
Clerk of the Court	\$382,157
Adult Confinement - Detention	<u>\$200,000</u>
Subtotal	\$4,143,970

Welfare

Social Services	\$722,539
Comprehensive Services Act	\$1,024,186
Social Services Grants	\$68,770
Welfare Maximization	<u>\$45,000</u>
Subtotal	\$1,860,495

Other Categorical Aid	
Recordation Tax	\$527,343
Library Aid	\$192,158
Commissioner of the Arts	\$5,000
Jury Duty Reimbursement	\$25,000
Adult Court Services - Pretrial	\$169,352
Comprehensive Community Corrections	\$182,784
VA Juvenile Community Crime Control	\$51,748
Miscellaneous	<u>\$22,750</u>
Subtotal	\$1,176,135
 Total State Revenue	 \$7,709,133
 FEDERAL REVENUE	
Categorical Aid	
Welfare Administration	\$1,969,872
Public Safety	<u>\$15,000</u>
Subtotal	\$1,984,872
 Intergovernmental	 \$1,500
 Total Federal Revenue	 \$1,984,872
 Total General Fund	 \$112,452,162
 Other Funds	
Fire and Rescue Fund	\$4,288,826
Warrenton-Fauquier Joint Comm. Fund	\$1,243,856
Environmental Services	\$5,872,508
School Division Fund	\$101,006,025
School Cafeteria Fund	\$3,600,774
School Textbook Fund	\$658,531
Airport Enterprise Fund	\$3,170,148
Heritage Fund	\$1,338,000
Capital Improvements Fund	\$3,926,398
Internal Services - Fleet Maintenance	<u>\$1,824,700</u>
Total Other Funds	\$126,929,766
 TOTAL ALL FUNDS	 \$239,381,928
<i>Less Local Support</i>	<i>(\$69,514,116)</i>
TOTAL COUNTY REVENUES	\$169,867,812
<i>Less Other Funds Internal Transfers*</i>	<i>(\$2,586,198)</i>
ADJUSTED TOTAL COUNTY	\$167,281,614

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO AMEND THE SLOGAN ON THE WELCOME SIGNS AT THE ENTRANCES TO FAUQUIER COUNTY FROM "PRESERVING AGRICULTURE IN A BUSINESS FRIENDLY COMMUNITY" TO "THE BIRTHPLACE OF CHIEF JUSTICE JOHN MARSHALL"

Mr. Graham moved to postpone a decision on a resolution directing the County Administrator to amend the slogan on the welcome signs at the entrances to Fauquier County until the next regular meeting on June 21, 2004. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION TO DEDICATE THE COUNTY-OWNED PROPERTY AT 320 HOSPITAL HILL, WARRENTON, VIRGINIA IN HONOR OF ALICE JANE CHILDS IN RECOGNITION OF HER MANY YEARS OF OUTSTANDING SERVICE TO THE CITIZENS OF FAUQUIER COUNTY

Mr. Graham moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO DEDICATE THE COUNTY-OWNED PROPERTY AT 320 HOSPITAL HILL, WARRENTON, VIRGINIA IN HONOR OF ALICE JANE CHILDS IN RECOGNITION OF HER MANY YEARS OF OUTSTANDING SERVICE TO THE CITIZENS OF FAUQUIER COUNTY

WHEREAS, during her long tenure of service to the citizens of Fauquier County, Alice Jane Childs has served as a former Commissioner of the Revenue, a member of the School Board, a member of the Piedmont Regional Orchestra Board, a member of the Board of F&M Bank, a volunteer reader for children at H.M. Pearson Elementary school and the Bealeton Library, a volunteer for the Catlett, Calverton, Casanova Ruritan Club, a supporter of the Calverton youth baseball program, a volunteer to assist seniors at the Grace Episcopal Church and a member of the Fauquier County Library Board; and

WHEREAS, in view of her tireless dedication and long years of service, the Fauquier County Board of Supervisors wishes to recognize her efforts by dedicating the 320 Hospital Hill Office Building in her honor; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the County-owned property located at 320 Hospital Hill, Warrenton, Virginia be, and is hereby, renamed and dedicated in honor of Alice Jane Childs; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors wishes to express deep gratitude to Alice Jane Childs and to wish her the best in all of her future endeavors.

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN VINT HILL ECONOMIC DEVELOPMENT AUTHORITY (EDA) AND BROOKSIDE COMMUNITIES, LLC

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN VINT HILL ECONOMIC DEVELOPMENT AUTHORITY (EDA) AND BROOKSIDE COMMUNITIES, LLC

WHEREAS, by Agreement dated May 20, 2002, the Vint Hill Economic Development Authority (EDA), Fauquier County Board of Supervisors, Fauquier Lakes Limited Partnership, and Brookside Communities, LLC, set forth the terms and conditions by which Brookside Communities would connect its sewer system to the Vint Hill wastewater treatment plant; and

WHEREAS, the parties wish to modify the aforesaid Agreement to permit Brookside Communities to temporarily connect its sewer system to the existing Vint Hill sewage system while the permanent system is being located and installed; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute the First Amendment to the Agreement between Vint Hill EDA and Brookside Communities, LLC.

A RESOLUTION TO APPROVE PLANS FOR THE CENTRAL SPORTS COMPLEX AND COMMUNITY PARK

Mr. Robison moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE PLANS FOR THE CENTRAL SPORTS COMPLEX AND COMMUNITY PARK

WHEREAS, on August 2, 1999, the Fauquier County Board of Supervisors approved \$3,500,000 for the acquisition, initial planning, and initial infrastructure development of three sports complexes; and

WHEREAS, the site for the Central Sports Complex and Community Park has been acquired; and

WHEREAS, the plans for the site are now substantially complete; and

WHEREAS, the plans must be approved by the Fauquier Youth Sports Coordination Council in accordance with the Sports Fields Lease, Development, and Operation Agreement for the Central Site, dated February 5, 2002; and

WHEREAS, on April 28, 2004, the Fauquier Youth Sports Coordination Council approved the plans; and

WHEREAS, on May 5, 2004, the Fauquier Parks and Recreation Board approved the plans; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the plans for the Central Sports Complex and Community Park be, and are hereby, approved; and, be it

RESOLVED FURTHER, That future minor revisions to the plans may be approved, as needed, by the Parks and Recreation Board in conjunction with the Fauquier Youth Sports Coordination Council.

AN ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF FAUQUIER COUNTY TO ADD ARTICLE XIX ENTITLED TRANSIENT OCCUPANCY TAX

Mr. Downey moved to table indefinitely a proposed Ordinance amending Chapter 8 of the Code of Fauquier County to add Article XIX, entitled "Transient Occupancy Tax". Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: *None*
Absent During Vote: *None*
Abstention: *None*

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Library Board – Lee District: Lawrie Parker, appointed with a term to expire June 30, 2008.
- Lord Fairfax Community College Board: Ross D’Urso, appointed with a term to expire June 30, 2008.

SUPERVISORS’ TIME

- Mr. Graham announced funeral arrangements for the late Roger Fraser, formerly a Major in the Fauquier County Sheriff’s Office. Mr. Graham stated the opening and dedication of new softball/baseball fields at Liberty High School will be held on May 18, 2004.
- Mr. Robison recognized volunteers and members of Citizens for Fauquier County for a successful County-wide litter cleanup effort. Mr. Robison spoke of a recent housing study and highlighted the need for affordable housing for County and School employees.
- Mr. Downey stated he had met with members of the Snow Hill subdivision homeowner’s association regarding Route 29 traffic, and urged Board members to address those issues as they are presented.

ANNOUNCEMENTS

- Mr. Lee announced adjourned meetings of the Board of Supervisors will be held on June 7, 2004 at The Barn at Lord Fairfax Community College in Warrenton, Virginia, to discuss public facilities use, and on June 18, 2004 at The Inn at Vint Hill in Warrenton, Virginia, to discuss Board policy and priorities.

AN ORDINANCE AMENDING THE FAUQUIER COUNTY CODE TO ADD SECTIONS 15-10 THROUGH 15-10.3 RELATED TO TRESPASS

- A public hearing was held to consider a draft Ordinance amending Chapter 15 of the Fauquier County Code to add Sections 15-10 through 15-10.3 permitting the designation of the Sheriff and his designees as “persons lawfully in charge of property” for the purpose of enforcing laws prohibiting trespassing. Paul McCulla, County Attorney, provided a summary of the proposed Ordinance. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE AMENDING THE FAUQUIER COUNTY CODE TO ADD SECTIONS 15-10 THROUGH 15-10.3 RELATED TO TRESPASS

Section 15-10. Designation of Sheriff and designees as "persons lawfully in charge of property" for the purposes of enforcing laws prohibiting trespassing.

The owner of any real property located in the county, or any person legally authorized to act for the owner of such property, or the lessee, custodian, or other person lawfully in charge as those terms are used in § 18.2-119 of the Code of Virginia, may designate the Sheriff or his deputies as agents of the property owner and as "persons lawfully in charge of the property" for the purposes of forbidding another to go or remain upon the lands, buildings, or premises of the owner as specified in the designation. Such designations must be made in accordance with the procedure established in Section 15-10.1 and are subject to the conditions and limitations established by Section 15-10.2 and 15-10.3.

Section 15-10.1. Procedure for designating the Sheriff and designees as "persons lawfully in charge" of the owner's property for purposes of enforcing laws prohibiting trespassing.

The owner of any real property located in the County, or any person legally authorized to act for the owner of such property, or the lessee, custodian, or other person lawfully in charge as those terms are used in § 18.1-119 of the Code of Virginia, wishing to designate the Sheriff as "a person lawfully in charge of the property" for the purposes set forth in Section 15-10 must:

(A) Execute a written Designation, in a form approved by the Sheriff and the County Attorney, designating the Sheriff and his deputies as persons lawfully in charge of the owner's property for the following purposes:

1. to orally or in writing forbid any person identified by the property owner or applicant, or any person who, in the opinion of the Sheriff or his designees, should be forbidden to go or remain upon the lands, buildings, or premises covered by the application; and

2. to initiate criminal process for trespassing and take any and all other appropriate action to enforce state and local laws prohibiting trespassing if a person returns to or remains on the property after having been forbidden to do so by the owner, lessee, custodian, or other person lawfully in charge of the property.

Section 15-10.2. Acceptance of designation of Sheriff required; other conditions.

(A) A designation of the Sheriff and his deputies as agent and a person lawfully in charge of the property becomes complete when the Sheriff receives, reviews, and accepts, and the Sheriff consents to being designated as a person lawfully in charge of the property for the purposes set forth in Section 15-10. The decision whether to accept any designation is solely within the discretion of the Sheriff, who may base his decision on such factors as resource levels of the Sheriff's Department, and the proper allocation of those resources.

(B) The Sheriff may rescind his acceptance at any time, by mailing written notification of his rescission of acceptance to the applicant. The decision to rescind an acceptance of designation is

solely within the discretion of the Sheriff, who may base his decision on such factors as resource levels of the police department, and the proper allocation of those resources.

(C) The Sheriff and his deputies will make reasonable efforts to issue No Trespassing Notices to persons specifically identified by the applicant.

(D) The decision of whether to issue No Trespassing Notices to persons who have not been specifically identified by the applicant, but who are observed on the property by the Sheriff or his deputies, are solely within the discretion of the Sheriff and his deputies.

(E) The Sheriff and his deputies will provide written notification to the applicant whenever they give an oral or written No Trespassing Notice to a person, identifying the person with reasonable specificity.

(F) The Sheriff will maintain on file in the Sheriff's Department all applications and powers of attorney in cases in which he has accepted designation as "a person lawfully in charge of the property" as well as records of all No Trespassing Notices issued by employees of the police department acting in that capacity.

Section 15-10.3. Temporary or partial suspensions or rescissions of No Trespassing Notices.

The property owner or applicant may temporarily or partially suspend, or rescind, a Notice of No Trespassing issued by the Sheriff or his deputies to any person, provided that the property owner or applicant first provides a written notification to the Sheriff of the temporary or partial suspension or rescission, and sufficiently identifying the person. If a Trespassing Notice is to be temporarily or partially suspended, the property owner or applicant must provide, in the written notice, a reasonably specific description of the times and circumstances under which the person is authorized to be on the property.

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DESIGNATION OF SHERIFF OR HIS DEPUTIES AS PERSONS LAWFULLY IN CHARGE
OF REAL PROPERTY FOR THE PURPOSE OF PROHIBITING TRESPASS

THIS DESIGNATION, made this _____ day of _____,
20____, provides as follows:

1. _____ ("Owner") either owns or is the authorized Owner's agent, for property commonly known as _____ in the County of Fauquier, Virginia ("the Property").

2. Owner does not permit trespassing by individuals on the Property. This prohibition does not apply to fundraising by legitimate charitable organizations which have been authorized by the Owner to conduct fundraising on the Property.

3. Owner desires the assistance of the Fauquier County Sheriff's Department in preventing trespassing on the Property.

4. Owner hereby authorizes the Sheriff or any of his deputies who observe any person trespassing on his/her own behalf on the Property:

- (A) To direct the person to leave the Property;
- (B) To direct the person not to return to the Property unless invited by the Owner;
- (C) To inform the person that if he or she returns to the Property without invitation of the Owner, he or she will be arrested for trespassing; and
- (D) To arrest the person if he or she fails or refuses to leave the Property immediately, or if he or she returns to the Property without invitation of the Owner.

5. This authorization is valid for a period of one year unless earlier revoked in writing.

WITNESS the following signature and seal:

PROPERTY OWNER (or Authorized Agent*)

Name:

Title:

COMMONWEALTH OF VIRGINIA
COUNTY OF FAUQUIER, to-wit:

The foregoing authorization was signed and acknowledged before me by _____ in my jurisdiction aforesaid on the day and year written above.

Notary Public

My commission expires:

* If Owner's Authorized Agent is the signatory, a copy of the Agency Agreement or Power of Attorney granting the agent the authority to act on behalf of the Owner must be furnished with this Designation.

A RESOLUTION TO AMEND THE FISCAL YEAR 2004 ADOPTED BUDGET IN THE AMOUNT OF \$733,704 – A public hearing was held to consider an amendment to the Fiscal Year 2004 adopted Budget in the amount of \$733,704. Bryan Tippie, Director of the Budget Office, summarized the proposed budget amendment. No one spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO AMEND THE FY 2004 ADOPTED BUDGET IN THE AMOUNT OF \$733,704

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2004 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its April meeting, the Finance Committee recommended FY 2004 budget adjustments of \$733,704 for the purposes set forth below; and

WHEREAS, on May 17, 2004, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the FY 2004 Budget be, and is hereby, amended in the amount of \$733,704 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
FY 2004					
Capital Funds	4-302-94202-8210	\$81,700	General Services	4-100-043416-8210	\$177,400
	4-302-94203-8210	\$95,700			
Capital Funds	4-302-94200-6100	\$451,175	General Services	4-100-043414-6007	\$451,175
Capital Funds	4-302-094251-8203	\$7,506	Information	4-100-012511-6050	\$40,363
	4-302-094251-8212	\$32,857	Technology		
Federal Funds	3-100-331500-0010	\$6,669	Environmental Services	4-513-042710-3160	\$6,669
Federal Funds	3-100-331000-0045	\$500	Sheriff's Office	4-100-031200-6031	\$500
Federal Funds	3-100-331000-0045	\$500	Sheriff's Office	4-100-031200-6031	\$500
Contingency Reserve	4-100-091400-9999	\$19,097	Joint Dispatch	4-220-031410-3160	\$19,097
Contingency Reserve	4-100-091400-9999	\$38,000	General Services	4-100-043410-3160	\$38,000
TOTAL		\$733,704			\$733,704

AGRICULTURAL AND FORESTAL DISTRICT – 11TH ADDITION TO ORLEAN/HUME – A public hearing was held to consider applications for Agricultural and Forestal District 11th Addition to Orlean/Hume, made by John and Debra Jeniec, requesting to add 67.88 acres, further identified as PINs #6944-39-0770 and #6945-20-8528, in Marshall District; and Marion and Mary Long, requesting to add 31.01 acres, further identified as PINs #6936-75-4220 and #6936-74-4765, in Marshall District. The Planning Commission and

Agricultural and Forestal Advisory Committee recommend approval of these additions. Rick Carr, Director of Community Development, summarized the applications. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinances. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE TO APPROVE THE 11th ADDITION TO THE ORLEAN/HUME AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the 11th Addition to the Orlean/Hume Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 11th Addition to the Orlean/Hume Agricultural and Forestal District is hereby added this 17th day of May 2004, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, until the expiration of the District on January 20, 2005.
- 3) That the 11th Addition shall consist of the following parcel(s):

John & Debra Jeniec	6944-39-0770-000	60.29	Acres
	6945-20-8528-000	7.59	Acres

; and, be it

ORDAINED FURTHER, That the same conditions and restrictions shall apply, to wit:

- 4) That, pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the *Code of Virginia*, (1950), as amended, the Fauquier County Zoning Ordinance shall apply, except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established:

- a. All uses allowed by-right in the applicable zoning district(s) for each parcel shall require a special exception permit, except that farming and single-family dwellings on a legally recorded parcel of record shall be permitted by-right;
 - b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted; and
 - c. No special exception shall be in conflict with the purposes for which the District was created.
- 5) That these parcels qualify for land use value assessment, provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.
 - 6) That the owners of land within the District shall not terminate the District, except in accordance with Section 15.2-4314 of the Code.
 - 7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.
 - 8) That parcels under twenty-five (25) acres shall be excluded, except where exempted by the Board.
 - 9) That the District will expire on January 20, 2005.

; and, be it

ORDAINED FINALLY, That the following new conditions and restrictions shall apply, to wit:

- 10) That if any portion of the parcel less than 25 acres is boundary line adjusted or divided, then the entire parcel shall be removed from the District.
- 11) That if any portion of the parcel greater than 25 acres is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the District.
- 12) Should the 7.59 acre parcel be sold, it will automatically be removed from the District.

; and

ORDINANCE

AN ORDINANCE TO APPROVE THE 11th ADDITION TO THE ORLEAN/HUME
AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.2-4310 of the *Code of Virginia*, (1950), as amended have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the 11th Addition to the Orlean/Hume Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to public interest.
- 2) That this 11th Addition to the Orlean/Hume Agricultural and Forestal District is hereby added this 17th day of May 2004, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, until the expiration of the District on January 20, 2005.
- 3) That the 11th Addition shall consist of the following parcel(s):

Marion G. Long	6936-75-4220-000	30 Acres
	6936-74-4765-000	1.01 Acres

; and, be it

ORDAINED FURTHER, That the same conditions and restrictions shall apply, to wit:

- 4) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the *Code of Virginia*, (1950), as amended, the Fauquier County Zoning Ordinance shall apply, except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established:
 - a. All uses allowed by-right in the applicable zoning district(s) for each parcel shall require a special exception permit, except that farming and single-family dwellings on a legally recorded parcel of record shall be permitted by-right;
 - b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted; and
 - c. No special exception shall be in conflict with the purposes for which the District was created.
- 5) That these parcels qualify for land use value assessment, provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.
- 6) That the owners of land within the District shall not terminate the District, except in accordance with Section 15.2-4314 of the Code.

- 7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.
- 8) That the District will expire on January 20, 2005.

; and, be it

ORDAINED FINALLY, That the following new conditions and restrictions shall apply, to wit:

- 9) That parcels under twenty-five (25) acres shall be excluded, except where exempted by the Board.
- 10) That if any portion of the parcel less than 25 acres is boundary line adjusted or divided, then the entire parcel shall be removed from the District.
- 11) That if any portion of the parcel greater than 25 acres is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the District.
- 12) Should the 1.01 acre parcel be sold, it will automatically be removed from the District.

AGRICULTURAL AND FORESTAL DISTRICT – 11TH ADDITION TO SPRINGS VALLEY – A public hearing was held to consider an application for Agricultural and Forestal District 11th Addition to Springs Valley, made by Duncan and Margaret MacPherson, requesting to add 72.78 acres, further identified as PIN #6962-81-1949, in Marshall District. The Planning Commission and Agricultural and Forestal Advisory Committee recommend approval of this addition. Rick Carr, Director of Community Development, provided a summary of the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE THE 11th ADDITION TO THE SPRINGS VALLEY AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, allows additional parcels of land to be added to an existing district following the process described for the creation of a new district; and

WHEREAS, all requirements of Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the 11th Addition to the Springs Valley Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.
- 2) That this 11th Addition to the Springs Valley Agricultural and Forestal District is hereby added this 17th day of May 2004, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, until the expiration of the district on June 30, 2011.
- 3) That the 11th Addition shall consist of the following parcel(s):

Duncan & Margaret MacPherson 6962-81-1949-000 72.78 Acres

; and, be it

ORDAINED FURTHER, That the same conditions and restrictions shall apply, to wit:

- 4) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the *Code of Virginia*, (1950), as amended, the Fauquier County Zoning Ordinance shall apply, except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
 - a. All uses allowed by-right in the applicable zoning district(s) for each parcel shall require a special exception permit except that farming and single-family dwellings on a legally recorded parcel of record shall be permitted by-right;
 - b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted; and
 - c. No special exception shall be in conflict with the purposes for which the District was created.
- 5) That these parcels qualify for land use value assessment, provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.
- 6) That the owners of land within the District shall not terminate the District, except in accordance with Section 15.2-4314 of the Code.
- 7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.

8) That the District will expire on June 30, 2011.

; and, be it

ORDAINED FINALLY, That the following new conditions and restrictions shall apply, to wit:

9) That parcels under twenty-five (25) acres shall be excluded, except where exempted by the Board.

10) If any portion of the parcel is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the District.

AGRICULTURAL AND FORESTAL DISTRICT – 10TH ADDITION TO UPPERVILLE -

A public hearing was held to consider an application for Agricultural and Forestal District 10th Addition to Upperville, made by M.H.G. Dizerega heirs, by Mary Bryan Deberry, requesting to add 1,083.84 acres, further identified as PINs #6053-41-7879, #6053-03-2393, and #6062-55-8181, in Marshall District. The Planning Commission and Agricultural and Forestal Advisory Committee recommend approval of this addition. Rick Carr, Director of Community Development, provided a summary of the application. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE THE 10th ADDITION TO THE UPPERVILLE AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, allows additional parcels of land to be added to an existing District following the process described for the creation of a new District; and

WHEREAS, all requirements of Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of May 2004, That the 10th Addition to the Upperville Agricultural and Forestal District be, and is hereby, adopted as follows:

1) That this addition is land which requires conservation and protection for the production of food and other agricultural and forestal products and, as such, is a valuable natural and ecological resource providing open space and clean air and adequate safe water supplies and other aesthetic purposes and is, therefore, valuable to the public interest.

2) That this 10th Addition to the Upperville Agricultural and Forestal District is hereby added this 17th day of May 2004, in accordance with the provisions of Title 15.2, Chapter 43, Section 15.2-4310 of the *Code of Virginia*, (1950), as amended, until the expiration of the District on June 30, 2011.

3) That the 10th Addition shall consist of the following parcel(s):

Thomas W. Dizerega	6053-41-7879-000	424.39 Acres
	6053-03-2393-000	17.02 Acres
	6062-55-8181-000	642.43 Acres

; and, be it

ORDAINED FURTHER, That the same conditions and restrictions shall apply, to wit:

4) That pursuant to Title 15.2, Chapter 43, Section 15.2-4312, (b) of the *Code of Virginia*, (1950), as amended, the Fauquier County Zoning Ordinance shall apply, except as modified below. The modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.

a. All uses allowed by-right in the applicable zoning district(s) for each parcel shall require a special exception permit, except that farming and single-family dwellings on a legally recorded parcel of record shall be permitted by-right.

b. Subdivision of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance is not permitted.

c. No special exception shall be in conflict with the purposes for which the District was created.

5) That these parcels qualify for land use value assessment provided that the parcels meet the criteria set forth in Article 4 of Section 58.1-3229 et seq. of Chapter 32 of Title 58.1 of the Code.

6) That the owners of land within the District shall not terminate the District, except in accordance with Section 15.2-4314 of the Code.

7) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.

8) That parcels under twenty-five (25) acres shall be excluded, except where exempted by the Board.

9) That the District will expire on June 30, 2011.

; and, be it

ORDAINED FINALLY, That the following new conditions and restrictions shall apply, to wit:

- 10) That if any portion of the parcel less than 25 acres is boundary line adjusted or divided, then the entire parcel shall be removed from the District.
- 11) That if any portion of the parcels greater than 25 acres is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the District.
- 12) Should the 17.02 acre parcel be sold, it will automatically be removed from the District.

AGRICULTURAL AND FORESTAL DISTRICT – 13TH ADDITION TO MARSHALL/WARRENTON - A public hearing was held to consider an application for Agricultural and Forestal District 13th Addition to Marshall/Warrenton, made by Kirk M. Lucas, requesting to add 70.06 acres, further identified as PIN #6985-98-2842, in Scott District. The Planning Commission and Agricultural and Forestal Advisory Committee recommend denial of this addition. Rick Carr, Director of Community Development, provided a summary of the application. Kirk Lucas, applicant, requested favorable consideration of the application and suggested Board members visit the site which is the subject of this application. No one else spoke. The public hearing was closed. Mr. Downey moved to table a decision on the matter until the next regular meeting on June 21, 2004. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

AGRICULTURAL AND FORESTAL DISTRICT – WITHDRAWAL FROM SOUTHERN FAUQUIER – A public hearing was held to consider applications for Agricultural and Forestal District Withdrawal from Southern Fauquier, made by Miriam R. Glaettli by Joan G. Brent, requesting to withdraw 130.5 acres, further identified as PIN #7807-59-7220, in Cedar Run District; and by Jimmie N. Eustace, requesting to withdraw 277.18 acres, further identified as PINs #7930-29-4478, #7931-21-9776, and #7931-42-1873, in Cedar Run District. The Planning Commission and Agricultural and Forestal Advisory Committee recommend approval of these withdrawals. Rick Carr, Director of Community Development, provided a summary of the applications. Jimmy Eustace, applicant, requested favorable consideration of the application for withdrawal. Joan Brent, representing Miriam Glaettli, requested favorable consideration of the application for withdrawal. Alan Stevens, Cedar Run District, spoke in opposition to the withdrawals. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinances. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***
Nays: ***None***
Absent During Vote: ***None***

Abstention:

None

ORDINANCE

AN ORDINANCE TO APPROVE A WITHDRAWAL FROM THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4314 of the *Code of Virginia*, (1950), as amended, allows parcels of land to be withdrawn from an existing District at any time for good and reasonable cause; and

WHEREAS, all requirements of Section 15.2-4314 of the *Code of Virginia*, (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of May 2004, That this withdrawal from the Southern Fauquier Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That upon withdrawal of any land from a District, land that is no longer part of a District shall be subject to those local laws and ordinances prohibited by the provisions of Subsection B of §15.2-4312 of the Code.
- 2) That this withdrawal shall consist of the following parcel(s):

Miriam R. Glaettli 7807-59-7220-000 130.5 Acres

- 3) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.

; and

ORDINANCE

AN ORDINANCE TO APPROVE A WITHDRAWAL FROM THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4314, *Code of Virginia*, (1950,) as amended, allows parcels of land to be withdrawn from an existing district at any time for good and reasonable cause; and

WHEREAS, all requirements of Section 15.2-4314 of the *Code of Virginia*, (1950), as amended, have been met; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of May 2004, That this withdrawal from the Southern Fauquier Agricultural and Forestal District be, and is hereby, adopted as follows:

- 1) That upon withdrawal of any land from a District, land that is no longer part of a District shall be subject to those local laws and Ordinances prohibited by the provisions of Subsection B of §15.2-4312 of the Code.
- 2) That this withdrawal shall consist of the following parcel(s):

James N. Eustace	7930-29-4478-000	97.18 Acres
	7931-21-9776-000	62.00 Acres
	7931-42-1873-000	118.00 Acres

- 3) That lawful termination of any owner's association in the District shall not serve to terminate the existence of the District, but the District shall continue in effect until the review required by Section 15.2-4314 of the Code.

AGRICULTURAL AND FORESTAL DISTRICT – WITHDRAWAL FROM SOUTHERN FAUQUIER

- A public hearing was held to consider an application for Agricultural and Forestal District Withdrawal from Southern Fauquier, made by Richard and Patrice Grandy, requesting to withdraw 44.10 acres, further identified as PIN #6990-14-5795, in Cedar Run District. The Planning Commission and Agricultural and Forestal Advisory Committee recommend denial of this withdrawal. Rick Carr, Director of Community Development, provided a summary of the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution denying the application for withdrawal. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO DENY A WITHDRAWAL FROM THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT WITHIN FAUQUIER COUNTY

WHEREAS, Section 15.2-4314 of the *Code of Virginia*, (1950), as amended, allows parcels of land to be withdrawn from an existing District at any time for good and reasonable cause; and

WHEREAS, all requirements of Section 15.2-4314 of the *Code of Virginia*, (1950), as amended, have not been met; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That this withdrawal from the Southern Fauquier Agricultural and Forestal District be, and is hereby, denied as follows:

- 1) That upon withdrawal of any land from a District, land that is no longer part of a District shall be subject to those local laws and Ordinances prohibited by the provisions of Subsection B of §15.2-4312 of the Code.

2) That the following parcel(s) shall not be withdrawn from the District:

Richard and Patrice Grandy 6990-14-5795-000 44.10 Acres

REZONING #REZN04-LE-001 – CRANE’S CORNER, LLC, OWNER/APPLICANT – LIBERTY STATION – A public hearing was held to consider an application to amend a proffer condition for Liberty Station to provide for a Town Center concept as planned for in the Bealeton/Opal/Remington Service District Plan. The commercial/office/retail square footage would increase from 70,067 square feet to 110,000 square feet and a maximum of forty (40) apartments to be located over shops are proposed. The property is located on the east side of Marsh Road (Route 17) and the southeast side of Catlett Road (Route 28), in Lee District, further identified as PIN #6899-24-9836-000). The public hearing was originally scheduled to be held on January 29, 2004, and was postponed at the request of the applicant, until May 17, 2004. Elizabeth Cook, of Community Development, provided a summary of the application. Merle Fallon, Esquire, representing the applicant, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was 4 to 1 as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. Richard W. Robison</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST REZN04-LE-001, LIBERTY STATION

WHEREAS, Crane’s Corner, LLC, owner/applicant, has initiated an application to amend the Fauquier County Zoning Map in accordance with the provisions of Zoning Ordinance Sections 13-202 to rezone ±7.389 acres of Commercial-Highway (C-2) to Commercial-Neighborhood (C-1) to permit the development to have a mix of commercial and residential components; and

WHEREAS, the owner and applicant have initiated a request to rezone approximately ±7.839 acres from C-2 to C-1; and

WHEREAS, on March 25, 2003, the Fauquier County Planning Commission held the first of several public hearings on the Rezoning request of Crane’s Corner, LLC; and

WHEREAS, on May 17, 2004, the Fauquier County Board of Supervisors held a public hearing on this Rezoning request and considered both oral and written testimony; and

WHEREAS, the Fauquier County Board of Supervisors has determined that the proposed Rezoning is in conformance with the Fauquier County Comprehensive Plan, as amended by this Ordinance; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Comprehensive Plan; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of May 2004, That Rezoning Request REZ04-LE-001, Liberty Station, to change the Zoning Map designation of ±7.389 acres of Commercial-Highway (C-2) to Commercial-Neighborhood (C-1) be, and is hereby, approved subject to the Liberty Station (a.k.a. Crane's Corner) Special Exception, Rezoning and Concept Development Plan prepared by Rickmond Engineering, Inc., dated April 16, 2004, and the Amendment to Revised Proffer Statement Reynard's Crossing Rezoning RZ 99-L-04, amended April 29, 2004 and signed by Steve Vento, Vice President, Crane's Corner, LLC, owner/applicant, April 22, 2004.

SPECIAL EXCEPTION #SPEX04-LE-018 – CRANES CORNER, LLC, OWNER/APPLICANT – LIBERTY STATION – A public hearing was held to consider an application to obtain Special Exception approval under Category 1, which would allow for up to forty (40) apartment units in a mixed use C-2 zoning district. The property is located on the southeast side of Catlett Road (Route 28), in Lee District, further identified as PINs #6899-24-9873-000, #6899-25-6175-000 and #6899-25-9398-000. Elizabeth Cook, of Community Development, provided a summary of the application. Merle Fallon, Esquire, representing the applicant, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 to 1 as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i>
Nays:	<i>Mr. Richard W. Robison</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SPEX04-LE-018, A CATEGORY 1 SPECIAL EXCEPTION TO ALLOW DWELLING UNITS ABOVE COMMERCIAL USES

WHEREAS, the owners of the property located on the east side of Marsh Road (Route 17) and the southeast side of Catlett Road (Route 28), in Lee Magisterial District, further identified by PIN #6899-24-9873-000, have requested a Category 1 Special Exception to allow dwelling units above commercial units; and

WHEREAS, the requested Special Exception will allow the applicants to construct residential dwelling units above commercial uses; and

WHEREAS, at its meeting on April 22, 2004, the Planning Commission voted unanimously to forward Special Exception SPEX04-LE-018 to the Board of Supervisors with a recommendation of conditioned approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 17th day of May 2004, That Special Exception #SPEX04-LE-018, Crane's Corner, LLC, applicants, be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
4. An initial Site Plan shall be filed within one (1) year of the approval of this Special Exception. No time limit shall be imposed on this Special Exception, provided that a Site Plan is filed within one year of approval.
5. The development of the property shall be in general conformance with the Special Exception Plat entitled "Liberty Station (a.k.a. Crane's Corner) Special Exception, Rezoning and Concept Development Plan Amendment" dated April 16, 2004, and received in the Planning Office on April 22, 2004, except as modified by these conditions.
6. The property association agreement shall be provided to the County for review and comment prior to Site Plan approval as it relates to stormwater management/BMP facilities, landscaping, parking agreements/arrangements, parking lot maintenance, private streets, open space, etc.
7. The maximum number of apartment units shall be 40.
8. The maximum number of bedrooms per unit shall be two (2).
9. Apartments shall be limited to the second floor and above.
10. This Special Exception approval grants a 20% reduction of the number of parking spaces required pursuant to Zoning Ordinance Sections 5-103.2.e, 7-102.3 and 7-102.4 for the nonresidential components of the development and removes the requirement for visitor parking spaces for the residential portion of the development. Parking space credit shall be given for those spaces provided along Willow Drive and Liberty Station Boulevard.
11. The Shared Parking Agreement shall be provided to the County for review and approval prior to Site Plan approval. This Agreement shall provide that all tenants shall share parking rights for a specified number of parking spaces; however, a limited number of parking spaces may be assigned to a particular user/tenant.
12. Overnight parking of boats, trailers, or camper type vehicles shall not be permitted on the site.
13. The minimum front yard shall be 14 feet measured from the property line, in accord with Zoning Ordinance Section 5-103.2.c.

14. The uses allowed with this Special Exception shall be those uses identified in Article 3 of the Zoning Ordinance permitted in the C-1 zoning district, except the following or similar uses shall not be permitted in mixed residential use buildings:
 - a. Medical Care Facility, Minor or Major;
 - b. Golf, Miniature;
 - c. Kennel/Animal Shelter;
 - d. Veterinary Clinic;
 - e. Furniture Repair, Cabinet Making, Upholstery, More Than 5,000 sq. ft.;
 - f. Welding, Sheet Metal Shops, Less or More Than 5,000 sq. ft.; and
 - g. Any Category 14 Use, except vehicle part sales, installation (not including repair garage).
15. This Special Exception approval does not remove any Site Plan, Administrative Special Permit, Special Permit or Special Exception approval required for specific uses permitted in the C-1 zoning district, pursuant to Article 3 of the Zoning Ordinance.
16. The Liberty Station Boulevard entrance to Route 17 shall meet the Virginia Department of Transportation (VDOT) design requirements.
17. The applicant shall work diligently with VDOT and Fauquier County to have Liberty Station Boulevard accepted into the State System of Highways, provided that building setbacks are acceptable to the applicant. If approved by VDOT through its land use permit process, a landscaped median shall be provided in the Liberty Station Boulevard design. In addition, landscaping shall be provided along both sides of the roadway within any unused right-of-way, as permitted by VDOT. Said landscaping shall be consistent with VDOT's requirements as promulgated in its "Guidelines For Planting Along Virginia's Roadways". The property owners association shall be responsible for the continued upkeep and maintenance of said landscaping. If Liberty Station Boulevard must remain as a development travelway for setback purposes, rather than a public or private street, the maintenance agreement for its perpetual maintenance shall be reviewed and approved by the County prior to Site Plan approval. The Special Exception Plat may be amended to reflect Liberty Station Boulevard as a travelway rather than a street.
18. The architectural appearance of the mixed-use residential buildings shall be as shown on the rendering received in the Planning Office August 6, 2003, entitled "Town Center Mixed Use Complex".

COMPREHENSIVE PLAN AMENDMENT #CPA03-S-09 AND REZONING #RZ03-S-17 – GAINES TRUST, W. ROBERT GAINES TRUSTEE, OWNER, AND ANGLER DEVELOPMENT LLC, APPLICANT – BISHOP'S RUN – A public hearing was held to consider an application to receive a Comprehensive Plan Amendment to change the land use designations from Low Density Residential, Commercial Neighborhood and Mixed Use Neighborhood Up to 3 Dwellings Per Acre to a new land use designation of Low Density Residential up to 3 Dwellings Per Acre (single family attached permitted). The applicant also wishes to rezone ± 53.75 acres from Residential-1 (R-1) and Commercial Neighborhood (C-1) to Residential-4 (R-4) Conventional and Cluster for the purpose of developing 123 residential units with ±46 single family lots and ±77 single family attached units and to rezone 9.14 acres from Commercial Neighborhood (C-1) to Commercial Neighborhood (C-1) with proffers

permitting 65,000 square feet of commercial/retail/office space including a day care facility and ± 20 second story apartments. The property is located on the east and west sides of Riley Road (Route 676) north of Broad Run Church Road (Route 600), in Scott District, further identified as PINs #7916-22-4949-000 and 7916-12-8941-000. On April 19, 2004, the Board of Supervisors held a public hearing on the proposed Comprehensive Plan Amendment and Rezoning request. Action was postponed due to a required public notice defect. The proposal has not been modified since the April 19th public hearing. On March 15, 2004, the Board of Supervisors held a public hearing on the proposed applications. At that time, the Board postponed action on the applications to allow time for additional refinements to the proposed development. Elizabeth Cook, of Community Development, provided a summary of the applications. John Foote, Esquire, representing the applicant, requested favorable consideration of the application. Dottie Hines, Scott District; Ralph Lewis, Scott District; John Lavene, Scott District; Everett Gardner, Scott District; Bill Nace, member of the Transportation Committee; James Rohr, Scott District; Larry Kovalik, Center District; Craig Cruzen, Scott District; Emily Lawrence, Scott District; Rich Claire, Scott District; Kitty Smith, Marshall District; Carol Bortell, Scott District; Chuck Medvitz, Scott District; and Tim Whitman, Scott District, spoke in opposition to the application. Jolly DeGive, Marshall District, representing Piedmont Environmental Council, spoke in opposition to the application. Peter Karanovich, Scott District, presented a petition and spoke in opposition to the application. Judy Lamone, Marshall District, and Jean-Loup R. Combemale, representing the New Baltimore Volunteer Fire Department, spoke in favor of the application. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was 4 to 1 as follows:

Ayes:	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i>
Nays:	<i>Mr. Richard W. Robison</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE COMPREHENSIVE PLAN AMENDMENT #CPA03-S-09 AND REZONING REQUEST # RZ03-S-17, BISHOP'S RUN

WHEREAS, W. Robert Gaines, Trustee, owner, and Angler Development, LLC, applicant, have initiated a request for a Comprehensive Plan Amendment to change the land use designation of ± 53.75 acres to Low Density Residential up to 3 Dwellings Per Acre (single-family attached permitted) from Low Density Residential Up to 1 Dwelling Per Acre, Mixed Use Neighborhood: Planned Commercial & Up to 3 Dwelling Units Per Acre, and Commercial Neighborhood; and

WHEREAS, the applicant has filed an application to amend the Fauquier County Zoning Map in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance to rezone ± 31.3806 acres zoned Residential-1 (R-1) and ± 22.3688 acres zoned Commercial - Neighborhood (C-1) (PINs 7916-22-4949-000 and 7916-12-8941-000) to Residential-4 (R-4) Conventional and R-4 Cluster and to subject ± 9.14 acres of existing C-1 zoning to proffered conditions to permit the development of a mixed use development; and

WHEREAS, the owner and applicant have initiated a request to rezone approximately ± 31.3806 acres from Residential (R-1) and ± 22.3688 acres Commercial-Neighborhood (C-1) to Residential (R-4) and to retain 9.14 acres of C-1; and

WHEREAS, on August 28, 2003, the Fauquier County Planning Commission held the first of several public hearings on the Comprehensive Plan Amendment and on the Rezoning request of Angler Development, LLC; and

WHEREAS, at its meeting on December 18, 2003, the Fauquier County Planning Commission approved a motion recommending denial of the requested Comprehensive Plan Amendment and Rezoning request; and

WHEREAS, on January 20, 2004, March 15, 2004, April 19, 2004, and May 17, 2004, the Fauquier County Board of Supervisors held public hearings on this Comprehensive Plan Amendment and Rezoning request and considered both oral and written testimony; and

WHEREAS, the Fauquier County Board of Supervisors has determined that the proposed Rezoning is in conformance with the Fauquier County Comprehensive Plan as amended by this ordinance; and

WHEREAS, by the adoption of this Ordinance, the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Comprehensive Plan and Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 17th day of May 2004, That Comprehensive Plan Amendment #CPA03-S-09 to change the land use designation for the project known as Bishop's Run located on the east and west sides of Riley Road be, and is hereby, approved; and, be it

ORDAINED FURTHER, That Rezoning Request RZ03-S-17, Bishop's Run, to change the Zoning Map designation of Residential-1 (R-1) and Commercial - Neighborhood (C-1) to Residential-4 (R-4) and to subject ± 9.14 acres of C-1 zoning to proffered conditions be, and is hereby, approved subject to the Concept Development Plan prepared by Greenhorne & O'Mara, Inc. dated July 30, 2002 and as revised through May 17, 2004, and the Proffer Statement dated March 12, 2004 revised through May 17, 2004 and signed by W. Robert Gaines, Trustee, owner, and Angler Development, LLC, applicant.

With no further business, the meeting was adjourned at 9:49 p.m. to reconvene on June 7, 2004.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on May 17, 2004.

G. Robert Lee
Clerk to the Board of Supervisors